



115w

PTO/SB/26 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
PROTEO.P18D2

In re Application of: Castillo et al.

Application No.: 10/624,435

Filed: 07/21/2003

For: Methods of Isolating Amyloid-Inhibiting Compounds and Use of Compounds Isolated from Uncaria Tomentosa and Related Plants

The owner*, ProteoTech, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,929,808 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,411

CHECK Refund Total: \$35.00

Patrick Dwyer
Signature

Jun 28/07
Date

Patrick Michael Dwyer
Typed or printed name

(425) 823-0400 ext. 39
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

07/03/2007 EFLORES 00000122 10624435

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assigned owner.
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

65.00 0P

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



07-02-07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Castillo et al.

Examiner: Tate, C.

Serial No.: 10/624,435

Group Art Unit: 1655

Filing Date: 07/21/2003

Attorney Docket: PROTEO.P18D2

Title of Invention: Methods of Isolating Amyloid-Inhibiting Compounds and Use of Compounds
Isolated from Uncaria Tomentosa and Related Plants

Kirkland, Washington 98034
June 28, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TRANSMITTAL

Enclosed is executed form PTO/SB/26 a Terminal Disclaimer to obviate a double patenting rejection over a "prior" patent.

In making the above noted disclaimer, the owner expressly does not otherwise or further disclaim any part of the term of any patent granted on the instant application; such as by way of illustration, and not by way of limitation, in the event that the prior patent: (1) expires subsequently for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed, or terminally disclaimed under 37 CFR § 1.321; (5) has all its claims cancelled by a reexamination certificate; (6) is reissued; (7) or is in any other manner terminated prior to the expiration of its full statutory term.

The fee required under 37 CFR § 1.20(d) is submitted herewith. The undersigned is attorney of record in this case.

I hereby declare that all statements made herein of my own knowledge are true

EXPRESS MAIL CERTIFICATE (37 C.F.R. § 1.10)

I hereby certify that this correspondence, together with all papers and fees listed as attached or enclosed, are being deposited on the date indicated herein with the United States Postal Service "Express Mail Post Office to Addressee" service Express Mail #EM042198145US with sufficient postage, addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.

June 28, 2007

Karen Duncan

and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Patrick Dwyer

June 28, 2007

PATRICK MICHAEL DWYER
Reg. No. 32,411

PROTEOTECH, INC.
12040 115TH AVE N.E.
KIRKLAND, WA 98034